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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/763,588	
	Filing Date	January 23, 2004	
	First Named Inventor	Gehrke, Thomas	
	Group Art Unit	2824	
	Examiner Name	Michael Lebentritt	
Total Number of Pages in This Submission	2	Attorney Docket Number	013921-000026CON3

**ENCLOSURES (check all that apply)**

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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	STEVEN B. PHILLIPS MOORE & VAN ALLEN
Signature	
Date	November 16, 2004

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IF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Gehrke, Thomas

Application No.: 10/763,588

Confirmation No. 7739

Filed: January 23, 2004

Art Unit: 2824

Examiner: Michael Lebentritt

Title: PENDEOEPIAXIAL METHODS OF FABRICATING GALLIUM NITRIDE SEMICONDUCTOR LAYERS ON SAPPHIRE SUBSTRATES, AND GALLIUM NITRIDE SEMICONDUCTOR STRUCTURES FABRICATED THEREBY

Commissioner for Patents  
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**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In a Restriction Requirement under 35 U.S.C. 121 dated August 20, 2004, the Examiner indicated that the present application includes claims to the following inventions:

- I. Claims 1-29, drawn to a method of fabrication, classified in class 438, subclass 268., and
- II. Claims 30-48, drawn to a semi-conductor device, classified in class 257, subclass 356.

In response to the restriction requirement, the Applicant elects to initially pursue and have examined a method of fabrication on which claims 1-29 read (Group I). Claims 30-48 of Group II are hereby withdrawn.

Respectfully submitted,

Date: 16 NOV 04

By:

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